

FISCAL NOTE

SB 3320 - HB 3479

February 23, 2008

SUMMARY OF BILL: Prohibits a sexual offender or violent sexual offender from residing with or being within close proximity of a minor, regardless of whether the offender is the parent of the minor and a custody or visitation decree permits such proximity.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$6,900/Incarceration*

Assumptions:

- Under current law, a sexual offender or violent sexual offender whose victim was a minor is precluded from knowingly establishing a primary or secondary residence where a minor resides. Current law makes an exception if the offender is the parent of the minor except when the offender's parental rights have been terminated or if the offender committed such an offense against their own child.
- According to the Department of Children's Services (DCS), the Department will not incur a fiscal impact since the bill reflects current policy. Should DCS incur problems meeting the child and parent reunification requirements as established by the Adoption and Safe Families Act, the Department could be in jeopardy of losing \$80,000,000 in federal funds.
- One offender would be convicted of a Class E felony offense of residing with or being in close proximity with a minor and would serve 0.3 years (109.58 days). According to the Department of Correction, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 0.3 years is \$6,879.43 (\$62.78 x 109.58 days).
- No significant incarceration cost increase will occur due to population growth in this period.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc